



Atty. Dkt. No. 086142-0452

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hiroshi Aoki et al.
Title: PASSENGER DISCRIMINATING APPARATUS
Appl. No.: 09/778,861
Filing Date: 02/08/2001
Examiner: F. Fleming
Art Unit: 3616
Conf. No.: 6173

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 (b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance dated 10/06/2004, allowing claims 2, 4 – 8, and 10. However, Applicants disagree with the Determination of Patent Term Adjustment under 35 USC 154(b) and present the following facts to support their contention that the patent term reward should be 412 days instead of 0 days due to PTO examination delay.

Bases for the Adjustment: The present application was filed on February 8, 2001, therefore, as of February 8, 2004, the application has been pending for longer than three years. If the issue fee is paid on January 6, 2005, which is three months after the mailing date of the Notice of Allowance, and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of the Notice of Allowance, the Patent Term Adjustment should be 412 days. This patent application is not subject to a terminal disclaimer.

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Correct Patent Term Adjustment: Below is Applicants' calculation of Patent Term Adjustment, indicating that the adjustment should be 412 days:

Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Application Filing Date	02/08/2001	0		
Notice to File Missing Parts	03/19/2001	39		
Response to Notice to File Missing Parts	03/29/2001	49		
PTO Action	01/07/2002	333		
PTO Action + 3 months	04/07/2002	423		
PTO Action Response Received at PTO	05/01/2002	447		24
PTO Action	07/19/2002	526		
PTO Action Response Received at PTO	10/18/2002	617		
PTO Action	12/31/2002	691		
PTO Action Response Received at PTO	03/19/2003	769		
PTO Action	04/22/2003	803		
PTO Action Response Received at PTO	07/22/2003	894		
PTO Action	10/10/2003	974		
PTO Action Response Received at PTO	12/08/2003	1,033		
3 Year Period Starts	02/08/2004	1,095		
PTO Action	03/23/2004	1,139		
PTO Action Response Received at PTO	06/23/2004	1,231		
Notice of Allowance	10/06/2004	1,336		
Projected Patent Grant Date	04/19/2005	1,531	436	
		436	24	
		412		

37 C.F.R. § 1.705(b)(iv)(A) statement: Applicants submit that the Response to the Office Action (dated 01/07/2002), filed on 05/01/2002, constituted a single failure to engage in reasonable efforts to conclude processing of the application and should result in a 24 day adjustment.

Enclosed with this request is the fee of \$200.00 as set forth in 37 C.F.R §1.18(e). Furthermore, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 28, 2004

By Michael D. Kaminski

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